

**SUPREME COURT CALENDAR
LOS ANGELES SESSION
OCTOBER 8 and 9, 2003**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, 3rd Floor, North Tower, Los Angeles, California on October 8 and 9, 2003.

WEDNESDAY, OCTOBER 8, 2003—9:00 A.M.

IN MEMORIAM—HON. DAVID N. EAGLESON
Associate Justice, California Supreme Court (1987–1991)

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|-----|---------|-------------------------------------------------------------|
| (1) | S100099 | In re Qawi on Habeas Corpus |
| (2) | S099131 | People ex rel. Orloff, as District Attorney v. Pacific Bell |

2:00 P.M.

- | | | |
|-----|---------|------------------------------------------------------|
| (3) | S108309 | People v. Edaleene Smith |
| (4) | S107792 | Eastburn v. Regional Fire Protection Authority |
| (5) | S026872 | People v. Alfredo Valdez [<i>Automatic Appeal</i>] |

THURSDAY, OCTOBER 9, 2003—9:00 A.M.

- | | | |
|-----|---------|------------------------------------|
| (6) | S105483 | Mulder v. Pilot Air Freight |
| (7) | S105909 | Hagberg v. California Federal Bank |
| (8) | S103942 | Betancourt v. Storke Housing |

GEORGE
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 18(c), California Rules of Court.

**SUPREME COURT CALENDAR
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OCTOBER 8 and 9, 2003**

The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

WEDNESDAY, OCTOBER 8, 2003—9:00 A.M.

IN MEMORIAM—HON. DAVID N. EAGLESON
Associate Justice, California Supreme Court (1987–1991)

(1) In re Qawi on Habeas Corpus, S100099

#01-151 In re Qawi on Habeas Corpus, S100099. (A093094; 90 Cal.App.4th 1192.) Petition for review after the Court of Appeal granted a petition for writ of habeas corpus. This case includes the following issue: May a person committed under the mentally disordered offender law (Pen. Code, § 2960 et seq.) be involuntarily treated with anti-psychotic medication without a judicial determination under Penal Code section 2972(g) that the person lacks capacity to refuse treatment?

(2) People ex rel. Orloff, as District Attorney v. Pacific Bell, S099131

#01-121 People ex rel. Orloff, as District Attorney v. Pacific Bell, S099131. (A089528; 89 Cal.App.4th 844.) Petition for review after the Court of Appeal affirmed a judgment dismissing a civil action. This case presents the following issue: Under what circumstances, if any, may a district attorney bring an unfair competition action in superior court against a public utility when a parallel proceeding, alleging similar misconduct by the public utility, is pending before the Public Utilities Commission?

2:00 P.M.

(3) People v. Edaleene Smith, S108309

#02-152 People v. Edaleene Smith, S108309. (B142943; 99 Cal.App.4th 138.)
Petition for review after the Court of Appeal modified and affirmed judgments of conviction of criminal offenses. This case includes the following issues: (1) Is the doctrine of “sentencing entrapment” recognized in some federal cases (see, e.g., *United States v. Stauffer* (9th Cir. 1994) 38 F.3d 1103) applicable under California law? (2) Is the defense of “outrageous governmental conduct” recognized in some federal cases (see, e.g., *United States v. Bogart* (9th Cir. 1986) 783 F.2d 1428) applicable under California law, in addition to the version of the entrapment defense embodied in California law?

(4) Eastburn v. Regional Fire Protection Authority, S107792

#02-126 Eastburn v. Regional Fire Protection Authority, S107792. (E029463; 98 Cal.App.4th 426.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case includes the following issues: (1) What duty of care, if any, is owed by a 911 emergency dispatcher to the public? (2) Does the qualified immunity accorded “emergency rescue personnel” by Health and Safety Code section 1799.107 apply to 911 emergency dispatch services?

(5) People v. Alfredo Valdez, S026872 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

THURSDAY, OCTOBER 9, 2003—9:00 A.M.

(6) Mulder v. Pilot Air Freight, S105483

#02-86 Mulder v. Pilot Air Freight, S105483. (B146633; unpublished opinion.)
Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents the following issue: Is the

privilege for reporting suspected criminal activity to a police officer (Civ. Code., § 47(b)) absolute or does it apply only to statements made in good faith?

(7) Hagberg v. California Federal Bank, S105909

#02-111 Hagberg v. California Federal Bank, S105909. (B146368; unpublished opinion.) Petition for review after the Court of Appeal affirmed the summary judgment in a civil action. This case presents the following issues: (1) Is the privilege for reporting suspected criminal activity to a police officer (Civ. Code., § 47(b)) absolute or does it apply only to statements made in good faith? (2) Does this privilege apply to a police report that results in an investigation but not in a criminal prosecution?

(8) Betancourt v. Storke Housing, S103942

#02-61 Betancourt v. Storke Housing, S103942. (B145835; 94 Cal.App.4th 709.) Petition for review after the Court of Appeal reversed a judgment of dismissal of a civil action. This case presents the following issue: Where the compensation paid laborers on a public works construction project includes contributions to their benefit plans and the laborers record a mechanic's lien to recover those contributions, is an action to enforce that lien under Civil Code section 3110 preempted by the federal Employment Retirement Income Security Act (29 U.S.C. § 1144 [ERISA])?